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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,535	07/23/2003	Tohru Kimura	02860.0748	6664
22852	7590	03/17/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			HALEY, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,535

Applicant(s)

KIMURA ET AL.

Examiner

Joseph Haley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 3 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “ring-shaped zones” as claimed in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 9, 12, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 6947368).

In regard to claim 1, Hendricks et al. teaches an objective lens unit for converging a light flux onto an information recording plane of an optical information recording medium in an optical pickup apparatus (fig. 1), comprising: a first optical element arranged so as to be opposite to the optical information recording medium (fig. 1 element 12); a second optical element arranged at a light source side of the first optical element so as to be opposite to the first optical element and including a ring-shaped structure in which plural ring-shaped zones are formed on at least one optical surface of the second optical element such that neighboring ring-shaped zones cause a predetermined optical path difference for incident rays (fig. 1 element 14. In regard to the ring shaped zones on the second optical element, these are not shown in the

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drawings and are therefore considered the same as fig. 3 or Hendricks et al.); and each of the first and second optical elements having a optical functional section and a flange section formed around the optical functional section (fig. 1 element 13), wherein the flange section of the first optical element and the flange section of the second optical element are formed so as to fix the first and second optical elements at predetermined respective relative positions (column 4 lines 6-10).

In regard to claim 4, Hendricks et al. teaches the neighboring ring-shaped zones are formed to displace relatively in an optical axis direction so as to cause the predetermined optical path difference (fig. 3).

In regard to claim 5, Hendricks et al. teaches the ring-shaped structure is a diffractive structure to diffract an incident ray (fig. 4b see also column 8 lines 27-33).

In regard to claim 6, Hendricks et al. teaches the ring-shaped structure corrects a chromatic aberration caused by the first optical element (see column 8 lines 27-33 where Hendricks teaches correcting for aberration).

In regard to claim 7, Hendricks et al. teaches a used wavelength is 500 nm or less (column 4 lines 2-3).

In regard to claim 9, Hendricks et al. teaches an image side numerical aperture is .75 or more (column 4 line 40).

In regard to claim 12, Hendricks et al. teaches the first optical element is a refractive lens (objective lens 12 clearly refracts the light towards the medium).

In regard to claim 14, Hendricks et al. teaches the flange section of the first optical element and the flange section of the second optical element are shaped to fit

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and come in contact with each other so that the first and second optical elements are fixed at the predetermined respective relative positions (fig. 1 element 13. see also column 4 lines 6-10).

In regard to claim 15, Hendricks et al. teaches an optical pickup apparatus comprising: the objective lens unit described in claim 1 (fig. 1).

In regard to claim 16, Hendricks et al. teaches an optical information recording and/or reproducing apparatus, comprising: the optical pickup apparatus described in claim 15 (fig 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of the applicant's admitted prior art.

In regard to claims 2 and 8, Hendricks et al. teaches all the elements of claim 2 except wherein each of the first and second optical elements is a plastic lens.

The applicant's admitted prior art teaches wherein each of the first and second optical elements is a plastic lens (paragraphs 2 and 3).

The two are analogous art because they both deal with same field of invention of recording onto an optical disc.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Hendricks et al. with the plastic lens of the applicant's admitted prior art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Hendricks et al. with the plastic lens of the applicant's admitted prior art because plastic has low weight compared to glass therefore the load on the drives can be reduced.

In regard to claim 10, Hendricks et al. teaches all the elements of claim 10 except plural different kinds of optical information recording mediums.

The applicant's admitted prior art teaches plural different kinds of optical information recording mediums (paragraph 7 lines 9-13).

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Hendricks et al. with the plural types of recording media of the applicant's admitted prior art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Hendricks et al. with the plural types of recording mediums of the applicant's admitted prior art because it would have provided more versatility in the types of media available to be processed.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Saito (US 6781943).

In regard to claim 13, Hendricks et al. teaches all the elements of claim 13 except the ring-shaped structure is formed on an aspherical surface.

Saito teaches the ring-shaped structure is formed on an aspherical surface (fig. 2).

The two are analogous art because they both deal with the same field of invention of recording onto optical media.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Hendricks et al. with the aspherical lens of Saito. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Hendricks et al. with the aspherical lens of Saito because using an aspherical lens is an effective way to correct for aberration.

Allowable Subject Matter

5. Claims 3 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeuchi et al. (US 6807019) teaches a ring shaped structure that is used for a lens.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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